

GIBSON, DUNN & CRUTCHER LLP
JOEL S. SANDERS, SBN 107234
GEORGE A. NICOUD III, SBN 106111
RACHEL S. BRASS, SBN 219301
REBECCA JUSTICE LAZARUS, SBN 227330
RICHARD J. MCPALMER, SBN 244962
One Montgomery Street, Suite 3100
San Francisco, California 94104
Telephone: (415) 393-8200
Facsimile: (415) 986-5309
Email: JSanders@gibsondunn.com
TNicoud@gibsondunn.com
RBrass@gibsondunn.com
RJustice@gibsondunn.com
RMcpalmer@gibsondunn.com

Attorneys for Defendants
MATSON NAVIGATION COMPANY, INC.
AND ALEXANDER & BALDWIN, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA: SAN FRANCISCO DIVISION

ROBERT H. STEINBERG, Individually and on)
Behalf of All Others Similarly Situated,)

Plaintiff,)

v.)

MATSON NAVIGATION COMPANY, INC.,)
et al.)

Defendants)

-----)
LAURA CUTLER, Individually and on Behalf)
of All Others Similarly Situated,)

Plaintiff,)

v.)

MATSON NAVIGATION COMPANY, INC.,)
et al.)

Defendants.)

Case No. 08-cv-02402 VRW

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

Case No. 08-cv-03629 JL

1 TO THE COURT AND ALL PARTIES AND COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT, pursuant to Civ. L.R. 3-12, Defendants Matson
3 Navigation Company, Inc. and Alexander & Baldwin, Inc., hereby give notice that the following
4 two cases are related within the meaning of Civ. L.R. 3-12:

- 5 • *Robert H. Steinberg, et al. v. Matson Navigation Company, Inc., Alexander &*
6 *Baldwin, Inc., Horizon Lines, Inc., and Horizon Lines LLC*, 08-cv-02402-VRW (“*Steinberg*”); and
- 7 • *Laura Cutler, et al.. v. Matson Navigation Company, Inc., Alexander & Baldwin,*
8 *Inc., Horizon Lines, LLC, and Horizon Lines, Inc.*, 08-cv-03629-JL (“*Cutler*”).

9 *Steinberg* is a civil action currently pending in the Northern District of California before
10 the Honorable Vaughn R. Walker. *Cutler* is a civil action currently pending in the Northern
11 District of California before the Honorable James Larson. *Steinberg* was filed prior to *Cutler* and,
12 as such, is assigned the lower case number.

13 This Administrative Motion is made pursuant to Local Rule 3-12(a), which provides that
14 actions are related when:

15 (1) The actions concern substantially the same parties, property, transaction or event;
16 and

17 (2) It appears likely that there will be an unduly burdensome duplication of labor and
18 expense or conflicting results if the cases are conducted before different judges.

19 *Steinberg* and *Cutler* are related within the meaning of Civ. L.R. 3-12. Both cases involve
20 allegations of violations of antitrust statutes in connection with ocean shipping services.
21 Specifically, both actions allege that the Matson and Horizon defendants agreed, combined, or
22 conspired with each other to fix, raise, maintain and/or stabilize prices of noncontiguous domestic
23 ocean shipping and/or to allocate markets and/or customers for those services in the United States.
24 Plaintiffs in both actions name the same defendants. At least three other, similar matters have
25 been assigned or reassigned to Judge Walker.¹

26 _____
27 ¹ Those matters are: *Acutron, Inc. v. Matson Navigation Company, Inc., et al.*, 08-cv-02600-
28 VRW; *50th State Distributors, Inc. v. Matson Navigation Company, Inc., et al.*, 08-cv-02603-
VRW; and *Winkler Woods, LLC v. Matson Navigation Co., Inc., et al.*, 08-cv-03169-VRW.

1 The factual and legal matters presented in *Steinberg* and *Cutler* will be largely identical.
2 Whereas assignment to separate judges will create an unduly burdensome duplication of labor,
3 generate unneeded expense, and may lead to conflicting results, assignment to a single judge will
4 conserve judicial resources and lead to more efficient determination of all the actions.²

5 Defendants Matson Navigation Company, Inc. and Alexander & Baldwin, Inc. respectfully
6 request that the *Cutler* action be related to the *Steinberg* action.³

7 Dated: August 5, 2008

GIBSON, DUNN & CRUTCHER LLP

8
9 /s/

10 RACHEL S. BRASS
11 GIBSON, DUNN & CRUTCHER LLP
12 One Montgomery Street, Suite 3100
13 San Francisco, CA 94104
14 Telephone: (415) 393-8200
15 Facsimile: (415) 986-5309

16 *Counsel for Defendants*
17 *Matson Navigation Company, Inc. and*
18 *Alexander & Baldwin, Inc.*

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24 ² There are currently two MDL proceedings involving at least twenty complaints alleging
25 antitrust violations by the Matson and Horizon defendants in the noncontiguous domestic ocean
26 shipping industry. *In Re: Hawaiian Cabotage Antitrust Litigation*, MDL No. 1970; *In Re: Pacific*
27 *Ocean Cabotage Antitrust Litigation*, MDL No. 1972. The *Steinberg* plaintiffs have been
28 identified as interested parties to both proceedings, while *Cutler* has been identified as a potential
tag-along action.

³ By filing this Notice of a Related Case, Defendants Matson Navigation Company, Inc. and
Alexander & Baldwin, Inc. do not consent to proceed before a United States Magistrate Judge.